

EXHIBIT 73

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JULIETA GARIBAY, *et al.*

vs.

DAVID WHITLEY, *et al.*

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Civil Action No. 2:19-cv-00040

DECLARATION OF LISA WISE
IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

STATE OF TEXAS §
COUNTY OF EL PASO §

1. My name is Lisa Wise and I am the Elections Administrator for El Paso County. In that role, I am responsible for the daily operation of the El Paso County Elections Department as well as coordination of all electoral functions on behalf of the county. I also serve as the county's Voter Registrar. I was appointed to this position in 2015. Prior to being appointed as the Elections Administrator, I served as the Deputy Election Commissioner of Douglas County, Nebraska from 2006-2014.
2. The El Paso County Elections Department administers local, state and federal elections and is operational year-round as it conducts an array of electoral duties including but not limited to voter registration. My office has about 15 employees, of which about 6 work in the area of voter registration.
3. Currently, there are about 450,000 registered voters in El Paso County.
4. In connection with my duties as voter registrar for El Paso County, I am an advocate for measures that protect the right to vote and increase participation among eligible voters. In

conjunction with those measures, I also seek to ensure that those who are not eligible to vote are not maintained on the voter registration rolls.

5. On January 25, 2019, I received an advisory by electronic delivery from Keith Ingram, Director of Elections at the Office of the Texas Secretary of State (“SOS”). It was numbered Advisory No. 2019-02, with the subject stated to be “Use of Non- U.S. Citizen Data obtained from the Department of Public Safety.” The SOS Advisory can be found at <https://www.sos.texas.gov/elections/laws/advisory2019-02.shtml>
6. The SOS Advisory stated that the SOS’s office had been working for approximately ten months with the Texas Department of Public Safety (“DPS”) and had developed a list of names of people “who provided documentation to DPS showing that the person is not a citizen of the United States during the process of obtaining or acquiring a Texas Driver License or Personal Identification Card from DPS.” The SOS Advisory indicated that it had performed some kind of matching of the DPS non-citizen list with the voter registration list that is maintained on a statewide basis by the SOS. The SOS Advisory indicated that, starting the next day (on January 26, 2019), the SOS would send counties lists of voters identified as non-citizens by DPS.
7. The SOS Advisory stated that the goal of the matching process was to provide “actionable information” to counties and further advised that “we believe the data we are providing can be acted on in nearly all circumstances.”
8. On or about January 27, 2019, my office received a list electronically from the SOS that purported to show the names of 4,152 people who are registered to vote in El Paso County and who are identified as non-U.S. citizens through the SOS/DPS matching process.

9. On Tuesday, January 29, 2019, I received a phone call from an official with the SOS, who informed me that since sending out the list, the SOS had discovered that the list included valid voter registration applications submitted to the Texas Department of Public Safety by U.S. citizens. The Secretary of State did not identify the names of the persons on the list that should be removed from it because they were, in fact, citizens; however, the SOS did provide us with the source code on these records to help us identify them for removal from the list. This was source code 64 and the source code is placed on the voter rolls by state agencies in the reports that we receive. El Paso County only has source code 64 data when state agencies provide them to our office. Based on the source code information provided by the Secretary of State, my office identified and removed approximately 996 records that the Secretary of State had inaccurately identified as possible non-U.S. citizens.
10. On February 7, 2019, El Paso County completed an initial manual review of 3,152 additional voter registration records to determine if there was information that indicated the voter registered at a naturalization ceremony in El Paso] County. As a result of that review, El Paso County identified and removed approximately 919 additional individuals who were incorrectly identified as possible non-U.S. citizens on the list sent by the SOS. This naturalization data is not all inclusive as new citizens may have been naturalized in another county or state. Some of the registrations on the list date back almost fifty years and our records include data only available for the past 4 years. The Elections Department was not invited to participate in the naturalization process until 2015.
11. This means that so far, El Paso County has identified approximately 1,915 U.S. citizens, or approximately 46%, who were incorrectly identified as possible non-U.S. citizens by

the SOS on its original list. We are continuing to review the records. I am concerned that if we had sent Notice of Examination letters to the 4,152 U.S. citizens whose names the SOS provided to us, these voters would have potentially been removed from the rolls or discouraged from voting.

12. Upon further review of the initial list, we found duplicates, cancelled registrations and data entry errors.
13. Some new U.S. citizens register to vote in the weeks and months after their naturalization ceremony, including by mail or with volunteer deputy registrars at community events. El Paso County does not have records that would allow us to confirm the U.S. citizenship of these voters.
14. On February 1, 2019, I was further informed in writing (delivered electronically) by the SOS that my office should undertake to check for the U.S. citizenship status of those remaining on the SOS list before sending out what the SOS Advisory called the Notice of Examination for Citizenship (Proof of Citizenship) Letter (“NCE”) and that the SOS Advisory had stated local registrars could send out in response to the original list.
15. Since delivery of the SOS Advisory, which was accompanied by significant publicity and news attention starting on the day it was delivered, my office has received numerous inquiries from those who anticipated that they were on the original list but should not have been because they in fact had become U.S. citizens between the time of obtaining their DPS driver license (or identification card) and registering to vote. These voters expressed concern about what the effect of being on the list would have on their being registered to vote and able to vote in future elections and they sought to ensure that they would remain eligible to, and would be allowed to, vote.

16. My employees and I want to conduct proper list maintenance to ensure that non-U.S. citizens are not on the voter rolls. We also want to ensure that registering to vote by those eligible to vote is as seamless as possible, with the aim being to increase voter registration and ultimately voting by those who are eligible as much as reasonably possible. In response to the SOS Advisory, I will continue to work with those in my office to ensure that all of these goals are met and that only valid, verified data forms the basis for my office's actions.
17. Because the information provided by the SOS is not accurate, I am concerned about the validity of the process that has been set in motion by the SOS Advisory and the subsequent SOS communications about flaws in the data provided by the SOS. There are other codes in the Secretary of State's data that will assist us with sorting records in order to analyze them. However, the sorting process will require a manual review by a member of our team. This review will allow us to compare the dates of each action taken by the voter and view every scanned application.
18. This will require a significant investment of resources by my office. I do not know how long it will take us to complete this process. It will largely depend on what information we are able to locate to make the comparisons and what we find in the data. Our manual review to remove citizens from the list will include, at a minimum, the following steps:
- Determining if there is a valid voter registration record coded from DPS.
 - Determining if the voter was registered by a Volunteer Deputy Registrar at a naturalization ceremony in El Paso County.
 - Determining if the El Paso County voter was registered at a naturalization ceremony in El Paso County or another county.

- Determining if there are data entry errors where applicants checked the non-citizen box and were entered into the voter registration system, and the Texas Secretary of State verified the voter, resulting in an erroneous registration.
- Determining if there are other agencies with available citizenship information that can be compared to existing voter registration records.

19. In my view, it would better serve the integrity of our election system if there was, and had been, more time and resources devoted by the SOS and those state officials with whom the SOS works to investigating and developing a validated process for obtaining accurate, up-to-date data on those who are possibly not U.S. citizens and who are on current voter registration rolls.

20. The factual statements in this declaration are within my personal knowledge.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed in El Paso County, Texas on the 12th day of February, 2019.



Lisa Wise